

Exhibit 2 to Plaintiffs' Opposition

City and Borough of Juneau, Ak. Res. No. 2552, "A Resolution Repealing the Sunset Date on the Port Development Fee on Vessels Carrying Passengers for Compensation, and Repealing Resolution 2423(b)am,"
available at: http://www.juneau.org/clerk/Notices/documents/Res2552-Final-Repealing_Sunset_Date_PortDevelopment_Fee.pdf
(last visited July 7, 2016)

Presented by: The Manager
Introduced: 11/29/2010
Drafted by: J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2552

A Resolution Repealing the Sunset Date on the Port Development Fee on Vessels Carrying Passengers for Compensation, and Repealing Resolution 2423(b)am.

WHEREAS, the Assembly, by Resolution 2150, established a Port Development Fee for the purpose of providing funding for capital improvements to the downtown waterfront; and

WHEREAS, the sunset date in the Port Development Fee has been extended several times, by Resolutions 2163, 2294b am, and 2423b am; and

WHEREAS, the Assembly has adopted a Long-Range Waterfront Plan outlining development of the downtown waterfront; and

WHEREAS, the Long-Range Waterfront Plan proposes certain capital projects for its implementation; and

WHEREAS, funding is needed to plan, design, and construct waterfront development projects outlined in the Waterfront Development Plan; and

WHEREAS, the primary user of downtown waterfront facilities is the cruise line industry; and

WHEREAS, the safety and efficiency of interstate and foreign commerce will be enhanced by planning, designing, and constructing facilities implementing the Long-Range Waterfront Development Plan; and

WHEREAS, the Port Development Fee is a fair and equitable method of allocating costs for waterfront development projects among the various cruise lines and other users of the downtown waterfront; and

WHEREAS, all expenditures of Port Development fees must comply with the Tonnage Clause of the United States Constitution, and the Maritime Transportation Security Act of 2002.

//

//

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Port Development Fee.

- (a) Imposition. Beginning on the effective date of this resolution, every vessel carrying passengers for compensation on port calls in the City and Borough and not otherwise exempted by subsection (c) of this section, shall pay in addition to any other fee or charge, a Port Development Fee of \$3.00 per arriving passenger per day for all vessels.
- (b) Exemptions. The Port Development Fee shall not apply to:
 - (1) vessels under 200 tons;
 - (2) noncommercial vessels or vessels owned and operated by the state, the United States government, or a foreign government; and
 - (3) vessels operated by federally recognized Indian tribes.
- (c) Administration and disposition of revenues.
 - (1) The Port Development Fee shall be administered by the City Manager.
 - (2) The fee shall be paid by the owner or agent of the vessel to the City and Borough within 45 days from the invoice date, provided that if the vessel carries fewer than 150 passengers, amounts owing may be combined in a single payment made no later than 45 days after the final port call of the vessel during each calendar year.
 - (3) Proceeds of the fee shall be placed in the Port Development Fund.
 - (4) It is the intent of the Assembly that the proceeds of the Fund shall be used for capital improvements to the downtown waterfront for the provision of service to the cruise ship industry. It is further the intent of the Assembly that the projects paid for from the Port Development Fund shall be selected to benefit all entities which remit the Fee.
- (d) Consultation with Industry. It is the intent of the Assembly that the process for making expenditures from the Port Development Fund shall include consultation with representatives of the cruise ship industry.
- (e) For purposes of subsection (a), "day" means any 24-hour period.

Section 2. Repeal of Resolution. Resolution 2423b am is repealed; provided, however, that the Port Development Fee shall remain at the existing amount and the Port Development Fund shall continue to exist for the purposes outlined herein.

//

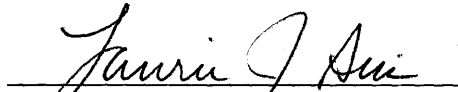
//

Section 3. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 29th day of November, 2010.


Bruce Botelho, Mayor

Attest:


Laurie J. Sica, Clerk